



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL
ATTORNEY GENERAL

December 10, 1974

**The Honorable George K. Smith
County Auditor
Office of the County Auditor
Records Building
Dallas, Texas 75202**

Open Records Decision No. 59

**Re: Whether EEO-4 information
required to be kept by Dallas
County pursuant to the Federal
Equal Employment Opportunity
Act is public information under
the Texas Open Records Act?**

Dear Mr. Smith:

Pursuant to section 7(a) of the Open Records Act, Article 6252-17a, V. T. C. S., you have asked us whether copies of EEO-4 Reports are excepted from disclosure. EEO-4 Reports contain information about the salaries, sex, and ethnicity of state and local government employees. Such reports are maintained pursuant to the Federal Equal Employment Opportunity Act which requires regular reports from state employers, and others, in order to assure non-discriminatory employment practices. 42 U.S.C. 2000e-8(c).

You have suggested that the reports are excepted from disclosure by section 3(a)(1) of the Open Records Act as "information deemed confidential by law," specifically by a federal statute. 42 U.S.C. 2000e-8(d), (e), which prohibits the Commissioner of the Federal Equal Employment Opportunity Commission from making "public in any manner whatever any information obtained by the Commission pursuant to its authority under this section [42 U. S. C. 2000e-8] prior to the institution of any proceeding under this subchapter . . . " 42 U.S.C. 2000e-8(e). The information obtained by the Commission under the authority granted it by 42 U.S.C. 2000e-8 includes EEO-4 forms.

The information contained in EEO-4 forms is maintained for purposes of federal regulation of state employment practices. Congress has decided that the goals of the Equal Employment Opportunity Act can best be served by prohibiting those responsible for its enforcement from possibly embarrassing the reporting agencies by the disclosure of the information required to be submitted.

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However, the federal statute does not declare the information to be confidential in the hands of the reporting agency. It does not purport to restrict the voluntary disclosure of the information by the reporting agency.

It is our opinion that the federal statute only restricts disclosure by those enforcing the Equal Employment Opportunity Act, and does not make the information contained in the report confidential in the hands of the state reporting agency. Thus the information requested is not excepted from disclosure by section 3(a)(1) of the Open Records Act.

Not only is the information contained in the report not excepted from disclosure by the exception you cite, it is specifically made public information by section 6(a)(2) of the Open Records Act:

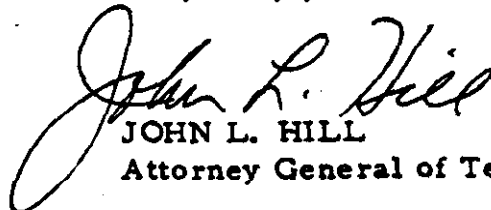
Without limiting the meaning of other sections of this Act, the following categories of information are specifically made public information:

. . .

the names, sex, ethnicity, salaries, title, and dates of employment of all employees and officers of governmental bodies;

It is our decision that the information requested should be disclosed.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

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APPROVED:

A handwritten signature in cursive script, appearing to read "David M. Kendall", written over a horizontal line.

DAVID M. KENDALL, First Assistant

A handwritten signature in cursive script, appearing to read "C. Robert Heath", written over a horizontal line.

C. ROBERT HEATH, Chairman
Opinion Committee